

**Remarks/Arguments:**

By this Amendment, Applicants have amended claims 6, 22, 25, 26, and 29-31. Claims 6, 7, 22 and 25-31 are pending.

**Claim Objections**

The Examiner has objected to claims 6, 22, 25 and 26 for reasons set forth in numbered Paragraph 2 of the Office Action. Following the Examiner's guidance, Applicants have amended claims 6, 22, 25, and 26 to overcome the basis for the claim objections.

**Claim Rejections Under Section 102**

Claims 6, 7, and 29-31 are rejected under 35 U.S.C. §102(b) as being anticipated by Blatter. Applicants respectfully traverse this Section 102(b) rejection.

Claim 6 is an independent claim to which claims 7 and 29-31 depend.

Claim 6 is directed to a recording and reproducing apparatus and includes the following elements:

- means of recording for recording a predetermined signal discreetly including additional information of a program,
- means of controlling recording for having the predetermined signal recorded by the means of recording,
- means of controlling reproduction for having the predetermined signal reproduced from the means of recording, and
- means of detecting Program Specific Information (PSI) or Service Information (SI) for detecting PSI or SI from the predetermined signal,

- characterized in that on recording the predetermined signal, the means of detecting PSI or SI detects PSI or SI from the predetermined signal **and adds it to the head of the predetermined signal**, and
- the means of recording records the predetermined signal **having PSI or SI added to its head**.

It is Applicant's contention that the recording and reproducing apparatus as defined by claim 6 is patentably distinguished from the Blatter Patent at least based on the requirement that on recording the predetermined signal, the means of detecting PSI or SI detects PSI or SI from the predetermined signal and adds it to the head of the predetermined signal, and the means of recording records the predetermined signal having PSI or SI added to its head. This feature is neither taught nor suggested in the Blatter Patent.

An advantage to adding the detected PSI or SI to the head of the predetermined signal, is that a decoder does not have to perform any operation for detecting the PSI or SI, and therefore there is a savings of processing time. The feature of adding the detected PSI or SI to the head of the predetermined signal and its associated advantage is discussed throughout the specification; for example, see page 11, line 17 to page 12, line 18.

The Blatter Patent in general relates to a storage medium format for a storage medium containing packetized data programs including packet identifiers (PIDs) that identify individual packetized datastreams constituting a program. The storage medium format may also include PSI suitable for use in recovering data content of a program.

The Office Action has taken the position at page 4, that the feature of Applicants' claim 6 of the means for detecting PSI or SI and detects the PSI or SI from the predetermined signal and adds it to the head of the predetermined signal is taught in the Blatter Patent with respect to the discussion at column 6, lines 54-57 and with respect to step 235 of Figure 2. Figure 2 is a flow chart for a process for generating Condensed Program Specific Information (CPSI) from PSI and incorporates the CPSI in a packetized datastream suitable for storage on a selected storage medium. Specifically, the portion of the Blatter Patent at column 6 identified by the Examiner reads as follows:

Controller 115 employs the process of FIG. 2 both to generate condenses PSI (CPSI) from this stored PSI and to incorporate the CPSI in a packetized datastream suitable for storage on a selectable storage medium. The packet identification and direction process of FIG. 2 is governed by controller 115 in conjunction with the unit 45 and 47 PID, destination and encryption key look-up tables and control unit 65 functions in the manner previously described.

See Column 6, Lines 54-62. But it is Applicants' contention that nowhere in these identified portions of the Blatter Patent or in any other discussion in the Blatter Patent is there any teaching or suggestion of requiring that the means for detecting PSI or SI adds the PSI or SI to the head of the predetermined signal as set forth in Applicants' claim 6.

The main purpose of the Blatter Patent is to reduce the overhead of the amount of data of PSI. The Blatter Patent never discloses adding PSI or SI to the head of the stream to thereby provide the advantage of Applicants' claimed invention of reducing the time to start reproducing. Because this feature is lacking in the Blatter Patent, it is Applicants' position that claim 6, and the claims dependent thereon, are patentably distinguished from the Blatter Patent. Applicants request that the Section 102(b) rejection based on the Blatter Patent be withdrawn.

### **Claim Rejections Under Section 103**

Claims 22 and 25-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Blatter in view of Yanagihara. Applicants respectfully traverse this Section 103(a) rejection.

Claim 22 is an independent claim with claims 25-31 dependent thereon. Claim 22 is directed to a recording and reproducing apparatus and includes among its features the following:

- on recording said MPG transport stream, the means for detecting PCR detects PCR from the MPEG transport stream and **adds it to the head of the MPEG transport stream**, and
- the means of recording records the MPEG transport stream **having PCR added to its head**.

The above identified feature of the MPEG transport stream having the PCR added to its head is similar to the feature discussed above with respect to claim 6. As discussed above, this feature is neither taught nor suggested in the Blatter Patent. It is Applicants' further contention that the Yanagihara Patent does not rectify the deficiencies heretofore discussed with respect to the Blatter Patent.

The Yanagihara Patent, in general, relates to a data packet containing time information which is time compressed and the time information is extracted from the time compressed data packet. A system clock is synchronized with the extracted time information and is multiplied by a predetermined compression ratio to produce replacement time information which replaces the time information in the time compressed data packet. The time compressed data packet contains the replacement time information and is modulated and transmitted or recorded.

The Office Action at pages 6 and 7 takes the position that the detected PCR data is added to the head of the MPEG stream and "is a well-known and widely used technique providing timing data to a recorded multimedia stream." The Office Action also points to the discussion at the Yanagihara Patent at column 7, lines 53-59 concerning the processing of PCR data relative to PLL circuit 5 and circuit 8, as well as to PCR restamping circuit 12. But Applicants find no teaching in this portion or any other portion of the Yanagihara Patent which teach or suggest the requirement of claim 22 noted above of adding the PCR to the head of the MPEG transport stream. Because this feature is lacking in the Yanagihara Patent, as well as in the Blatter Patent, Applicants contend that claim 22 and the claims dependent thereon, are patentably distinguished from these references of record.

Also, Applicants point out that the Office Action merely stating that a feature is "well-known" or "common knowledge" is not sufficient for supporting a rejection under Section 103. Actual evidence of the feature must be provided. See MPEP 2144.03.

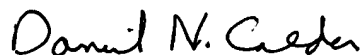
Applicants therefore request that the Section 103(a) rejection directed to claims 22 and 25-31 be withdrawn.

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In view of the foregoing remarks and amendments, Applicants respectfully submit that claims 6, 7, 22 and 25-31 are in condition for allowance. Reconsideration and allowance of all pending claims are respectfully requested.

Respectfully submitted,



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Daniel N. Calder, Reg. No. 27,424  
Attorney for Applicants

DNC/ds

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P.O. Box 980  
Valley Forge, PA 19482  
(610) 407-0700

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